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EXAMINER

MACILWINEN, JOHN MOORE JAIN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,193	<b>Applicant(s)</b> BRADY ET AL.	
	<b>Examiner</b> John M. MacIwinen	<b>Art Unit</b> 2442	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 129-182 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 129-182 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/5/10</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/27/2009 have been fully considered but they are not persuasive.
2. Applicant begins on page 14 by arguing that 15 "it is reasonably assumed that a 'transmission event' may be a notification; however Applicant fails to provide support for this assertion. Applicant continues arguing that "an index indicating how to enter a transmission event unabridged" is supported by citing sections from their specification. However, the citations never discuss "an index indicating how" to perform any sort of action, nor do the citations discuss "enter[ing] a transmission event unabridged". Applicant's arguments thus are not persuasive.
3. Applicant continues on page 16 by arguing that "the arguments submitted to the USPTO on July 14, 2009, are fully applied in reference to the subject matter contained in the newly drafter claims as submitted on July 14, 2009". Applicant's arguments are not persuasive as there were neither any arguments nor any claims submitted on July 14, 2009.
4. Applicant continues by arguing that "The arguments presented in the RCE submitted to the USPTO on July 14, 2009 are even more applied to a newly drafted claims 129-182. Since the Examiner did not consider these arguments ....". Applicant, however, is not correct in their assertion that any arguments were not considered. The arguments previously presented by the Applicant were fully considered and addressed in the Examiner's response mailed on 8/13/2009 (see page 2). However, said

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arguments were unpersuasive as they were not directed to pending claims. Applicant's arguments were explicitly directed to cancelled claim 1, which was not pending on 7/7/2009 and is not pending at the present time. Furthermore, the subject matter of cancelled claim 1 does not correspond with the subject matter of the currently pending claims. Applicant's arguments thus are not persuasive.

5. On page 18, Applicant continues arguing addressing "the remarks of the RCE submitted to the USPTO on July 14, 2009." As no remarks were submitted to the USPTO on July 14, 2009, the Examiner assumes the Applicant is attempting to reference the remarks submitted on 7/7/2009.

6. Applicant argues on pages 17 - 19 that in Wiley "a new dataset 50 may be automatically created . . . just for one transmission" and that "the created root dataset ... should have a pointer to itself, which apparently is not the case". Applicant's interpretation of Wiley is not persuasive. Col. 2 lines 4 - 8 of Wiley state that "The datasets include root datasets each having a root keyset and child datasets each having a child keyset with a key combination derived from the less granular root keysets" col. 2 lines 21 - 25 continues by stating that "The root and child datasets relevant to a particular item of network traffic are found and/or generated and then associated with each other upon the first occurrence of the network traffic". Applicant's hypothetical scenario that in Wiley a "root dataset ... is created when a child dataset does not exit yet" and thus "should have a pointer to itself" does not appear to coincide with the actual teachings of Wiley, and thus Applicant's arguments against Wiley are not persuasive.

The remainder of Applicant's arguments on pages 19 – 20 rely on the arguments

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addressed above; as said arguments above were not persuasive, these arguments are similarly unpersuasive.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 136, 159 and 172 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Said claims recite “an index indicating how to enter ... transmission events unabridged”.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 129 – 135, 137 – 140, 142 – 145, 148 – 154, 156 – 158, 160 – 171, 173 – 176 and 178 - 179 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanolkar (US 7,127,743 B1) in view of Wiley (US 7,017,185 B1).

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11. Regarding claim 129, Khanolkar shows a method comprising

collecting (Fig. 2, item 58) a plurality of transmission events provided by one or more nodes of a network (Fig. 1, items 11 – 16 providing said events) into one or more data structures (col. 4 lines 21 – 28)

Khanolkar does not show all of creating one or more characterization records for at least one or more data structure of said one or more data structures, one or more transmission events of said plurality of the transmission events being collected to said at least one data structure of said one or more data structures, wherein at least one of said one or more characterization records comprises one or more indicators of a location or locations of one or more data elements comprised in at least one of said one or more transmission events, to allow accessing said at least one of the one or more characterization records to determine said or more indicators of the location or locations of said one or more data elements.

Wiley shows creating one or more characterization records (represented by Wiley's keysets, col. 4 lines 51 – 58) for at least one or more data structure of said one or more data structures, one or more transmission events of said plurality of the transmission events being collected to said at least one data structure of said one or more data structures, wherein at least one of said one or more characterization records comprises one or more indicators of a location or locations of one or more data elements comprised in at least one of said one or more transmission events, to allow accessing said at least one of the one or more characterization records to determine said or more indicators of the location or locations of said one or more data elements

(col. 5 lines 8 – 67, col. 7 lines 35 – 51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar with that of Wiley in order to provide faster access to stored data (Wiley, col. 2 lines 17 – 28).

12. Regarding claim 148, Khanolkar in view of Wiley further show an apparatus comprising a first controller, configured to perform collecting a plurality of transmission events provided by one or more nodes of a network into one or more data structures (Khanolkar, Figs. 1 and 2, col. 4 lines 21 – 28); and

a second controller, configured to create one or more characterization records for at least one data structure of said characterization records for at least one data structure of said one or more data structures, one or more transmission events of said plurality of the transmission events being collected to said at least one data structure of said one or more data structures, wherein at least one of said one or more characterization records comprises one or more indicators of a location or locations of one or more data elements comprised in at least one of said one or more transmission events, to allow accessing said at least one of the one or more characterization records to determine said one or more indicators of the location or locations of said one or more data elements (Wiley, col. 5 lines 8 – 67, col. 7 lines 35 – 51).

13. Regarding claim 166, Khanolkar in view of Wiley further show a computer software product comprising a computer useable medium having computer readable instructions stored thereon for execution by a processor to perform a method comprising:

collecting a plurality of transmission events provided by one or more nodes of a network into one or more data structures (Khanolkar, Figs. 1 and 2, col. 4 lines 21 – 28); and

creating one or more characterization records for at least one data structure of said characterization records for at least one data structure of said one or more data structures, one or more transmission events of said plurality of the transmission events being collected to said at least one data structure of said one or more data structures, wherein at least one of said one or more characterization records comprises one or more indicators of a location or locations of one or more data elements comprised in at least one of said one or more transmission events, to allow accessing said at least one of the one or more characterization records to determine said one or more indicators of the location or locations of said one or more data elements (Wiley, col. 5 lines 8 – 67, col. 7 lines 35 – 51).

14. Regarding claim 130, Khanolkar in view of Wiley further show wherein said collecting and said creating is performed by a site of a plurality of sites comprised in said network (Khanolkar, Fig. 1, col. 1 line 48 – col. 2 line 10).

15. Regarding claim 131, Khanolkar in view of Wiley further show wherein said one or more data elements are stored within said at least one data structure (Khanolkar, col. 4 lines 21 – 30, col. 5 line 65 - col. 6 line 14).

16. Regarding claim 132, Khanolkar in view of Wiley further show wherein said collecting comprises creating observation records of said plurality of the transmission events and storing said observation records in said one or more data structures, such



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that said at least one data structure of said one or more data structures comprises one or more observation records of said observation records created using one or more transmission events of said plurality of transmission events, said one or more observation records being generated using one or more characteristics of said one or more transmission events in order to allow entering said one or more observation records to determine whether at least one of said one or more characteristics is present in said at least one data structure (Khanolkar, col. 4 lines 21 – 55, col. 5 line 65 – col. 6 line 21).

17. Regarding claim 133, Khanolkar in view of Wiley further show wherein said one or more characteristics of said one or more transmission events are one or more of: a period during which a transmission event of said one or more transmission events is occurred, and an internet protocol address of a node of said one or more nodes transmitted said transmission event (Khanolkar, col. 2 lines 32 – 37).

18. Regarding claim 134, Khanolkar in view of Wiley further show wherein said at least one of said one or more characterization records is an index creating using said one or more observation records (Wiley, col. 5 lines 10 – 17, col. 5 lines 63 – 67, col. 7 lines 35 – 51).

19. Regarding claim 135, Khanolkar in view of Wiley further show wherein said at least one of said one or more characterization records is an index comprising one or more of: a type of or an importance level for a transmission event of said one or more transmission events, an internet protocol address of a node of said one or more nodes transmitted said transmission event, and an internet protocol address of a node of said

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one or more nodes being a destination of said transmission event (Wiley, col. 5 lines 10 – 17, col. 5 lines 63 – 67, col. 7 lines 35 – 51).

20. Regarding claim 137, Khanolkar in view of Wiley further show wherein said one or more characterization records comprise a summary of said one or more transmission events of said plurality of transmission events (Khanolkar, col. 2 lines 10 - 25, col. 5 line 65 - col. 6 line 22, col. 8 lines 25 - 34).

21. Regarding claim 138, Khanolkar in view of Wiley further show wherein at least one of said plurality of the transmission events is a notification (Khanolkar, col. 2 lines 10 – 67, col. 4 lines 15 – 30).

22. Regarding claim 139, Khanolkar in view of Wiley further show wherein said one or more data elements comprise partial or complete data comprised in said at least one or more of the one or more transmission events (col. 4 lines 15 - 30).

23. Regarding claim 140, Khanolkar in view of Wiley further show storing said one or more data structures comprising corresponding said one or more characterization records in a memory, in a non-volatile memory or in a data storage (Khanolkar, col. 7 lines 10 – 13).

24. Regarding claim 142, Khanolkar in view of Wiley further show wherein one of said one or more characterization records comprise an aggregate summary of said at least one data structure and one or more of other data structures of said one or more data structures (Khanolkar, col. 2 lines 10 – 25, col. 5 line 65 – col. 6 line 22, col. 8 lines 25 – 34).

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25. Regarding claim 143, Khanolkar in view of Wiley further show where said network is configured to provide network activity data in a computer system comprising a plurality of nodes interconnected for communicating via said network (Khanolkar, col. 2 lines 25 - 38).

26. Regarding claim 144, Khanolkar in view of Wiley further show wherein all or selected transmission events of said plurality of the transmission events are notifications provided by all or selected nodes of said one or more nodes of said network (Khanolkar, col. 2 lines 16 – 67, col. 4 lines 15 - 30).

27. Regarding claim 145, Khanolkar in view of Wiley further show wherein said location or said locations of the one or more data elements are ins aid at least one data structure of said one or more data structures (Wiley, col. 5 lines 25 – 67, col. 7 lines 35 – 51).

28. Regarding claim 149, Khanolkar in view of Wiley further show wherein said collecting comprises creating observation records of said plurality of the transmission events and storing said observation records in said one or more data structures, such that said at least one data structure of said one or more data structures comprises one or more observation records of said observation records created using one or more transmission events of said plurality of transmission events, said one or more observation records being generated using one or more characteristics of said one or more transmission events in order to allow entering said one or more observation records to determine whether at least one of said one or more characteristics is present

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in said at least one data structure (Khanolkar, col. 4 lines 21 – 55, col. 5 line 65 – col. 6 line 21).

29. Regarding claim 150, Khanolkar in view of Wiley further show a memory, configured to store said one or more data structures and to store, for said at least one of said one or more data structures, said one or more observation records and said one or more characterization records (Khanolkar, col. 7 lines 10 – 13).

30. Regarding claim 151, Khanolkar in view of Wiley further show wherein said one or more characteristics of said one or more transmission events are one or more of: a period during which a transmission event of said one or more transmission events is occurred, and an internet protocol address of a node of said one or more nodes transmitted said transmission event (Khanolkar, col. 2 lines 32 – 37).

31. Regarding claim 152, Khanolkar in view of Wiley further show wherein said at least one of said one or more characterization records is an index creating using said one or more observation records (Wiley, col. 5 lines 10 – 17, col. 5 lines 63 – 67, col. 7 lines 35 – 51).

32. Regarding claim 153, Khanolkar in view of Wiley further show a memory, configured to store said one or more data structures comprising corresponding said one or more characterization records (Khanolkar, col. 7 lines 10 – 13).

33. Regarding claim 154, Khanolkar in view of Wiley further show wherein said memory is a non-volatile memory of a data storage (Khanolkar, col. 7 lines 10 – 13).

34. Regarding claim 156, Khanolkar in view of Wiley further show wherein said location or said locations of the one or more data elements are ins aid at least one data

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structure of said one or more data structures (Wiley, col. 5 lines 25 – 67, col. 7 lines 35 – 51).

35. Regarding claim 157, Khanolkar in view of Wiley further show wherein said one or more data elements are stored within said at least one data structure (Khanolkar, col. 4 lines 21 – 30, col. 5 line 65 - col. 6 line 14).

36. Regarding claim 158, Khanolkar in view of Wiley further show wherein said at least one of said one or more characterization records is an index comprising one or more of: a type of or an importance level for a transmission event of said one or more transmission events, an internet protocol address of a node of said one or more nodes transmitted said transmission event, and an internet protocol address of a node of said one or more nodes being a destination of said transmission event (Wiley, col. 5 lines 10 – 17, col. 5 lines 63 – 67, col. 7 lines 35 – 51).

37. Regarding claim 160, Khanolkar in view of Wiley further show wherein said one or more characterization records comprise a summary of said one or more transmission events of said plurality of transmission events (Khanolkar, col. 2 lines 10 - 25, col. 5 line 65 - col. 6 line 22, col. 8 lines 25 - 34).

38. Regarding claim 161, Khanolkar in view of Wiley further show wherein at least one of said plurality of the transmission events is a notification (Khanolkar, col. 2 lines 10 – 67, col. 4 lines 15 – 30).

39. Regarding claim 162, Khanolkar in view of Wiley further show wherein said one or more data elements comprise partial or complete data comprised in said at least one or more of the one or more transmission events (col. 4 lines 15 - 30).

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40. Regarding claim 163, Khanolkar in view of Wiley further show wherein one of said one or more characterization records comprise an aggregate summary of said at least one data structure and one or more of other data structures of said one or more data structures (Khanolkar, col. 2 lines 10 – 25, col. 5 line 65 – col. 6 line 22, col. 8 lines 25 – 34).

41. Regarding claim 164, Khanolkar in view of Wiley further show wherein all or selected transmission events of said plurality of the transmission events are notifications provided by all or selected nodes of said one or more nodes of said network (Khanolkar, col. 2 lines 16 – 67, col. 4 lines 15 - 30).

42. Regarding claim 165, Khanolkar in view of Wiley further show wherein said location or said locations of the one or more data elements are ins aid at least one data structure of said one or more data structures (Wiley, col. 5 lines 25 – 67, col. 7 lines 35 – 51).

43. Regarding claim 167, Khanolkar in view of Wiley further show wherein said one or more data elements are stored within said at least one data structure (Khanolkar, col. 4 lines 21 – 30, col. 5 line 65 - col. 6 line 14).

44. Regarding claim 168, Khanolkar in view of Wiley further show wherein said collecting comprises creating observation records of said plurality of the transmission events and storing said observation records in said one or more data structures, such that said at least one data structure of said one or more data structures comprises one or more observation records of said observation records created using one or more transmission events of said plurality of transmission events, said one or more

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observation records being generated using one or more characteristics of said one or more transmission events in order to allow entering said one or more observation records to determine whether at least one of said one or more characteristics is present in said at least one data structure (Khanolkar, col. 4 lines 21 – 55, col. 5 line 65 – col. 6 line 21).

45. Regarding claim 169, Khanolkar in view of Wiley further show wherein said one or more characteristics of said one or more transmission events are one or more of: a period during which a transmission event of said one or more transmission events is occurred, and an internet protocol address of a node of said one or more nodes transmitted said transmission event (Khanolkar, col. 2 lines 32 – 37).

46. Regarding claim 170, Khanolkar in view of Wiley further show wherein said at least one of said one or more characterization records is an index creating using said one or more observation records (Wiley, col. 5 lines 10 – 17, col. 5 lines 63 – 67, col. 7 lines 35 – 51).

47. Regarding claim 171, Khanolkar in view of Wiley further show wherein said at least one of said one or more characterization records is an index comprising one or more of: a type of or an importance level for a transmission event of said one or more transmission events, an internet protocol address of a node of said one or more nodes transmitted said transmission event, and an internet protocol address of a node of said one or more nodes being a destination of said transmission event (Wiley, col. 5 lines 10 – 17, col. 5 lines 63 – 67, col. 7 lines 35 – 51).

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48. Regarding claim 173, Khanolkar in view of Wiley further show wherein said one or more characterization records comprise a summary of said one or more transmission events of said plurality of transmission events (Khanolkar, col. 2 lines 10 - 25, col. 5 line 65 - col. 6 line 22, col. 8 lines 25 - 34).

49. Regarding claim 174, Khanolkar in view of Wiley further show wherein at least one of said plurality of the transmission events is a notification (Khanolkar, col. 2 lines 10 - 67, col. 4 lines 15 - 30).

50. Regarding claim 175, Khanolkar in view of Wiley further show wherein said one or more data elements comprise partial or complete data comprised in said at least one or more of the one or more transmission events (col. 4 lines 15 - 30).

51. Regarding claim 176, Khanolkar in view of Wiley further show a memory, configured to store said one or more data structures comprising corresponding said one or more characterization records (Khanolkar, col. 7 lines 10 - 13).

52. Regarding claim 178, Khanolkar in view of Wiley further show wherein one of said one or more characterization records comprise an aggregate summary of said at least one data structure and one or more of other data structures of said one or more data structures (Khanolkar, col. 2 lines 10 - 25, col. 5 line 65 - col. 6 line 22, col. 8 lines 25 - 34).

53. Regarding claim 179, Khanolkar in view of Wiley further show wherein all or selected transmission events of said plurality of the transmission events are notifications provided by all or selected nodes of said one or more nodes of said network (Khanolkar, col. 2 lines 16 - 67, col. 4 lines 15 - 30).



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54. Regarding claim 180, Khanolkar in view of Wiley further show wherein said location or said locations of the one or more data elements are ins aid at least one data structure of said one or more data structures (Wiley, col. 5 lines 25 – 67, col. 7 lines 35 – 51).

55. Claims 136, 159 and 172 rejected under 35 U.S.C. 103(a) as being unpatentable over Khanolkar in view of Wiley as applied to claims 129, 148 and 166 above, and further in view of Hellerstein (US 6,836,894 B1).

56. Regarding claim 136, Khanolkar in view of Wiley show claim 129, as well as wherein said at least one of said one or more characterization records is an index allowing transmission event viewing (Wiley, col. 5 lines 10 - 17, col. 5 lines 63 - 67, col. 7 lines 35 – 51).

Khanolkar in view of Wiley do not show viewing transmission events unabridged.

Hellerstein shows viewing transmission events unabridged (col. 7 lines 17 – 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Hellerstein in order to ensure the user has all data at his or her disposal to enable the most informed decision possible.

57. Regarding claim 159, Khanolkar in view of Wiley show claim 148, as well as wherein said at least one of said one or more characterization records is an index allowing transmission event viewing (Wiley, col. 5 lines 10 - 17, col. 5 lines 63 - 67, col. 7 lines 35 – 51).

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Khanolkar in view of Wiley do not show viewing transmission events unabridged.

Hellerstein shows viewing transmission events unabridged (col. 7 lines 17 – 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Hellerstein in order to ensure the user has all data at his or her disposal to enable the most informed decision possible.

58. Regarding claim 172, Khanolkar in view of Wiley show claim 166, as well as wherein said at least one of said one or more characterization records is an index allowing transmission event viewing (Wiley, col. 5 lines 10 - 17, col. 5 lines 63 - 67, col. 7 lines 35 – 51).

Khanolkar in view of Wiley do not show viewing transmission events unabridged.

Hellerstein shows viewing transmission events unabridged (col. 7 lines 17 – 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Hellerstein in order to ensure the user has all data at his or her disposal to enable the most informed decision possible.

59. Claims 141, 155 and 177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanolkar in view of Wiley as applied to claims 129, 148 and 166 above, and further in view of Richard et al. (US 2005/0015461 A1), hereafter Richard.

60. Regarding claim 141, Khanolkar in view of Wiley show claim 129.

Khanolkar in view of Wiley do not explicitly show storing records as a file system

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or as a hierarchical file system.

Richard shows using hierarchical file systems for storage ([111]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Richard in order to utilize a common type of file system (Richard, [111]).

61. Regarding claim 155, Khanolkar in view of Wiley show claim 151.

Khanolkar in view of Wiley do not explicitly show storing records as a file system or as a hierarchical file system.

Richard shows using hierarchical file systems for storage ([111]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Richard in order to utilize a common type of file system (Richard, [111]).

62. Regarding claim 177, Khanolkar in view of Wiley show claim 166.

Khanolkar in view of Wiley do not explicitly show storing records as a file system or as a hierarchical file system.

Richard shows using hierarchical file systems for storage ([111]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Richard in order to utilize a common type of file system (Richard, [111]).

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63. Claims 146, 147, 181 and 182 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khanolkar in view of Wiley as applied to claims 129, 148 and 166 above, further in view of Microsoft Computer Dictionary, 5<sup>th</sup> Edition.

64. Regarding claim 146, Khanolkar in view of Wiley show claims 129.

Khanolkar in view of Wiley do not explicitly show utilizing compression on the data structure.

Microsoft Computer Dictionary shows compression of files, such as data structures (pgs. 2-3 and 4 -5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Microsoft Computer Dictionary in order to utilize common ideas in computing environments, as well as to optimize the storage size of the data structure.

65. Regarding claim 147, Khanolkar in view of Wiley show claim 129.

Khanolkar in view of Wiley do not explicitly show creating a digital signature of said at least one data structures.

Microsoft Computer Dictionary show creating a digital signature of said at least one data structures (Microsoft Computer Dictionary, pgs. 2 – 3 and 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Microsoft Computer Dictionary in order to utilize common ideas in computing environments, as well as to provide increased file and system security.

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66. Regarding claim 181, Khanolkar in view of Wiley show claims 166.

Khanolkar in view of Wiley do not explicitly show utilizing compression on the data structure.

Microsoft Computer Dictionary shows compression of files, such as data structures (pgs. 2-3 and 4 -5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Microsoft Computer Dictionary in order to utilize common ideas in computing environments, as well as to optimize the storage size of the data structure.

67. Regarding claim 182, Khanolkar in view of Wiley show claim 166.

Khanolkar in view of Wiley do not explicitly show creating a digital signature of said at least one data structures.

Microsoft Computer Dictionary show creating a digital signature of said at least one data structures (Microsoft Computer Dictionary, pgs. 2 – 3 and 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Khanolkar in view of Wiley with that of Microsoft Computer Dictionary in order to utilize common ideas in computing environments, as well as to provide increased file and system security.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwinen whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joon Hwang can be reached on (571) 272 - 4036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2442

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